

1 **BEFORE THE HEARING EXAMINER FOR THE CITY OF REDMOND**

2
3
4 **IN THE MATTER OF APPLICATION OF)**
5 **GRANT MCKAY FOR A REZONE OF)**
6 **FIVE PARCELS FROM R-5 TO R-6)**
7 _____)

FILE NO: L030054, L030055
RECOMMENDATION

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10 **RECOMMENDATION**

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12 The Hearing Examiner recommends **CONDITIONAL APPROVAL** of the proposed zoning
13 change from R-5 to R-6.

14 **INTRODUCTION**

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16 The application of Grant McKay to rezone five contiguous lots on the northeast corner of NE 51st
17 Street and 156th Avenue NE came on for hearing before Gordon F. Crandall, Hearing Examiner,
18 on May 5, 2003 at 7:00 PM. Testifying under oath were:

19 Gibran Hashmi, planner

20 Grant McKay, applicant

21 Jim Roberts, Assistant Director of Planning and Community Development

22 Paul Darcy, 5008 157th Ct NE

23 Diana Lampard, 15628 NE 51st, owner of Lot D

24 Ray Teubner, 15660 NE 51st, owner of Lot E

25
26 The following exhibits were offered and admitted:

27 Exhibit A: Technical Committee Report dated May 5, 2003 with Attachments

28 Exhibit B: Staff PowerPoint Presentation

29 Exhibit C: Amended Staff Recommendation with Affordable Housing Condition

30 Exhibit D: Letter from Applicant McKay Recommending Approval

1 Exhibit E1-3 Photos of Potential Housing Styles

2 Exhibit F: Revised Table 5, Density Comparison

3 The hearing adjourned at 7:45 PM.

4
5 From the foregoing the Hearing Examiner makes these:

6
7 **FINDINGS OF FACT**

- 8
9 1. *Proposal.* Grant McKay, (applicant) seeks approval of an application to rezone five lots
10 at the corner of NE 51st Street and 156th Avenue NE from R-5 to R-6. A map showing the
11 location is attached as Attachment A. The five lots are identified as Lots A-E. Applicant
12 owns Lot C. His intent is to divide Lot C into three building sites and construct two new
13 homes on the corner leaving the existing two-story home in place. They would probably
14 have 2,000 sq. ft. floor area and garages in the basement. He is considering a design
15 similar to homes found in older parts of Seattle. See Exhibit E for representative designs.
- 16
17 2. *Existing Uses and Zoning.* The five lots contain 3.7 acres, and each lot is developed with
18 a single-family home. None of the other owners have expressed any intent in sub-
19 dividing or developing their lots at this time. Surrounding land uses are predominantly
20 single-family, with the Safeco Insurance office development in an Overlake Business and
21 Advanced Technology (OV) zone to the SW across 156th Avenue NE. The current zoning
22 of the site is R-5. The property to the south is zoned R-6, and R-5 is applied to the
23 property to the west across 156th Avenue NE. The zones are consistent with the
24 Comprehensive Plan designation, which is low-moderate residential density. The site is
25 subject to the Overlake Neighborhood regulations, which authorize the Hearing Examiner
26 to permit duplex, triplex, and fourplex developments in the low-moderate residential
27 designation. See RCDG 20C.70.35 and Attachment G to the Technical Committee
28 Report.
- 29
30

- 1 3. *Access.* Each existing lot is accessed from the adjacent street. Lot C enjoys access from
2 both 156th Avenue NE and NE 51st Street. The site is mostly flat, sloping down to the
3 east.
- 4
- 5 4. *Notice-Public Comment.* Notice of the application and public hearing was giving as
6 provided by ordinance. Public comment was received from **Bev Grace** (what kind of
7 development is proposed ?), **Paul Darcy** (concern for higher density for lots on D and E,
8 loss of tranquility, effect on property values), **Bob and Kris King** (traffic), **Dave and**
9 **Donna Howard** (traffic, residential character, schools), **Glenn and Bertha Eades**
10 (general), **Paul Barcoe-Walsh** (high density in two larger lots), and **William Herlan**
11 (expressed approval, but regrets eventual loss of vegetable garden). Darcy appeared at the
12 hearing with the same concerns expressed in his letter.
- 13
- 14 5. *SEPA.* A determination of non-significance (DNS) was issued on April 4, 2003. There
15 was no appeal.
- 16
- 17 6. *Impact Fees.* Any development on the subject property will be subject to fire, park, and
18 impact fees at the time of building permit issuance.
- 19
- 20 7. *Effect of Rezone.* The uses permitted of the R-5 and R-6 zones are the same. Average lot
21 size will be reduced from 5,500 sq. ft. to 4,000 sq. ft. Maximum lot coverage will be
22 increased from 40% to 45%. Maximum impervious surface will be increased from 60%
23 to 65%.
- 24
- 25 8. *Affordable Housing.* Staff has proposed that the rezone be subject to a condition that for
26 development of 10 or more residential units, a minimum of 10% of the units would be
27 made affordable to households earning 80% or less of the King County median income,
28 adjusted to household size. A bonus density of one unit is allowed for each affordable
29 unit provided up to 15% of the maximum density permitted on the site. Applicant accepts
30 the condition as proposed by staff.

1 9. Any conclusion of law deemed to be a finding of fact is hereby adopted as such.

2
3 From these findings of fact, the Hearing Examiner makes the following:

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5 **CONCLUSIONS OF LAW**

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7 1. RCDG 20F.40.70-020 provides that an application for a zoning map amendment which
8 is consistent with the Comprehensive Plan is a Type IV Land Use process. Under that
9 process, the Hearing Examiner conducts a hearing and makes a Recommendation to the
10 City Council. RCDG 20F.30.45-015.

11
12 2. RCDG 20F.40.70-050, Amendment Criteria, provides as follows: The following factors
13 are to be taken into account by the Planning Commission and the City Council when
14 considering a map amendment:

- 15 1. The amendment complies with the Comprehensive Plan Land Use Map, policies,
16 and provisions;
- 17 2. The amendment bears a substantial relation to the public health and safety;
- 18 3. The amendment is warranted because of changed circumstances, a mistake, or
19 because of a need for additional property in the proposed zoning district;
- 20 4. The subject property is suitable for development in general conformance with
21 zoning standards under the proposed zoning district;
- 22 5. The amendment will not be materially detrimental to uses or property in the
23 immediate vicinity of the subject property;
- 24 6. Adequate public facilities and services are likely to be available to serve the
25 development allowed by the proposed zone;
- 26 7. The probable adverse environmental impacts of the types of development allowed
27 by the proposed zone can be mitigated taking into account all applicable
28 regulations or the unmitigated impacts are acceptable; and
- 29 8. The amendment complies with all other applicable criteria and standards in the
30 Redmond Community Development Guide.

3. The application to rezone the property from R-5 to R-6 should be **APPROVED**. The amendment is consistent with the Comprehensive Plan and furthers its goals. There is a need for additional housing to accommodate increased employment in Redmond. The site is suitable for more intense development and is served by all necessary public facilities. Traffic and density can be accommodated. All other criteria for a rezone are satisfied. Development applications must comply with the regulations of the RCDG.
4. Any finding of fact deemed to be a conclusion of law is adopted as such.

RECOMMENDATION

The Hearing Examiner recommends **APPROVAL** of the McKay Overlake rezone subject to the following condition:

“For development of ten (10) or more residential units, whether as part of a phased or not phased development, a minimum of 10% of the units shall be made affordable to households earning 80% or less of the King County Median Income, adjusted for household size. A bonus density of one (1) unit shall be allowed for each affordable unit provided, up to 15 percent above the maximum density permitted on the site. Prior to issuance of any building permits for developments consisting of ten (10) or more units, an agreement in a form approved by the City shall be recorded with the King County Department of Records and Elections to stipulate conditions under which the required affordable units(s) will remain affordable housing for the life of the project. This agreement shall be a covenant running with the land, binding on the assigns, heirs, and successors of the applicant. The City may agree, at its sole discretion to subordinate any affordable housing regulatory agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provision of the Community Development Guide in effect at the time of the issuance of the building permit.”

1 Dated this 13th Day of May 2003.

2
3
4 /s/_Gordon F. Crandall_____

5 **GORDON F. CRANDALL**
6 **HEARING EXAMINER**

7
8 Attachment A: Site Plan

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10 **PROCEDURE FOR RECONSIDERATION**

11 Any interested person (party of record) may file a written request for reconsideration with the
12 Hearing Examiner. The request for reconsideration shall explicitly set forth alleged errors of
13 procedure or fact. The final date for motion for reconsideration is **5:00 P.M. on May 28, 2003**,
14 and should be sent to the **Office of the Hearing Examiner**, City of Redmond, MS: PSFHE,
15 8701 160th Avenue N.E., PO Box 97010, Redmond, Washington, 98073-9710.

16
17 **NOTICE OF RIGHT OF APPEAL**

18
19 You are hereby notified that the foregoing Findings of Fact, Conclusions, and Recommendations
20 are the final action on this application subject to the right of appeal to the Redmond City
21 Council. Appeal procedures are governed by RCDG 20F.30.40-110 (Ordinance 2118) to which
22 the reader is referred for detailed instructions. The written appeal must be received by the
23 **Redmond Permit Center** no later than **5:00 P.M. on May 28, 2003, or within 10 business**
24 **days following final action by the Hearing Examiner if a request for reconsideration is**
25 **filed.** Please include the application number on any correspondence regarding this case.

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27
28 The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners
29 may request a change in valuation for property tax purposes notwithstanding any program of
30 revaluation."

McKay Rezone - 6
5/13/2003

City of Redmond
Office of the Hearing Examiner
P.O. Box 97010
Redmond, WA 98073-9710

ATTACHMENT A

SITE PLAN

